

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

&

THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 28TH NOVEMBER 2007 / 7TH AGRAHAYANA 1929

Mat.Appeal.No. 159 of 2007

OP.75/2006 of FAMILY COURT, NEDUMANGAD

.....

PETITIONER: APPELLANT/PETITIONER/COUNTER PETITIONER:

**JESSY, AGED 49, D/O. GOWRI, RESIDING AT
VANDANA KANAKODU, VATTAPPARA DESOM, DO VILLAGE,
NEDUMANGAD TALUK.**

**BY ADV. SRI. R.T. PRADEEP
SRI. V. VIJULAL**

RESPONDENTS/COUNTER PETITIONERS/PETITIONERS:

**1. VIJAYARAJAN, S/O. JOYAL,
VANDANA KANAKODU, VATTAPPARA DESOM,
VATTAPPARA VILLAGE, NEDUMANGAD.**

**2. SREENA, AGED 16, D/O.JESSY,
RESIDING AT DO. DO.**

**3. SREEJA (MINOR) AGED 14,
D/O. JESSY, RESIDING AT DO.**

**BY ADV. SRI. THIRUMALA P.K. MANI
SRI. SREELAL WARRIER (AMICUS CURIAE)**

**THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD
ON 28/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

MAT. APPEAL No. 159 OF 2007

Dated this the 28th day of November, 2007.

J U D G M E N T

Kurian Joseph, J.

Challenge is on the order dated 20.03.2007 in I.A. No. 510/2007 in O.P. No. 75/2006 on the file of the Family Court, Nedumangad. The grievance is that the Family Court has imposed a condition of deposit of one half of the maintenance as a condition for setting aside the ex-parte order. Though this Court made earnest efforts in the interests of two grown-up daughters to have a reconciliation and settlement of the disputes between the father and mother, we are not able to. However, we feel that a follow up at the Family Court might enable the parties to have peace purchased between them, in the interests of their own two grown-up daughters.

2. As far as the order is concerned, we are of the view that it will be sufficient if the appellant furnishes security for the amount directed to be deposited as per the impugned order, since in any case there is no direction by the Family Court permitting the respondents to withdraw the amount.

Accordingly, we modify the condition stipulated in the order under appeal in the following terms:

I.A. No. 510/2007 in O.P. No. 75/2006 will stand allowed on condition of the appellant furnishing security for the amount mentioned in the order under appeal. This shall be done within a period of two weeks from today. Otherwise, the appeal will stand dismissed. The Family Court shall dispose of the matter expeditiously, at any rate within a period of six months from the date of receipt of a copy of this judgment.

This appeal is disposed of as above.

**KURIAN JOSEPH
JUDGE**

**HARUN-UL-RASHID
JUDGE**

smp